

RESOLUTION BY  
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING FUNDS FOR SETTLEMENT OF THE INVERSE CONDEMNATION CASE ENTITLED ANNIE J. CROWE V. CITY OF ATLANTA, FILED WITH THE SUPERIOR COURT OF FULTON COUNTY, CIVIL ACTION FILE NO.: 2001-CV-41374 IN AN AMOUNT OF THREE HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS (\$325,000.00) FOR PROPERTY LOCATED AT 3211 MARTIN LUTHER KING, JR. DRIVE, ATLANTA, GEORGIA. SAID SETTLEMENT SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER: FUND 1A01 (GENERAL FUND) ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001(NON DEPARTMENTAL).

**WHEREAS**, the City of Atlanta (hereinafter the "City"), developed the New Adamsville Recreation Center (" the Project"), the construction of which would include the parcel located at 3211 Martin Luther King, Jr. Drive, Atlanta, Georgia.

**WHEREAS**, the purpose of the Project was to build a new gymnasium and natatorium to serve the local community. The old facility, located on another site was small, inadequate and antiquated and did not contain a natatorium.

**WHEREAS**, on November 16, 1995, the City filed a Complaint with the Superior Court of Fulton County condemning the subject property and an award was issued by the Special Master on December 1, 1995.

**WHEREAS**, on August 8, 2001, Annie J. Crowe ("Crowe"), the owner of the subject property filed a Complaint with the Superior Court of Fulton County alleging, *inter alia*, unlawful seizure of property. Crowe also alleged that she received no notice of the condemnation proceedings.

**WHEREAS**, the parties have agreed to settle the above referenced case in the amount of Three Hundred and Twenty-Five Thousand Dollars (\$325,000.00).

**WHEREAS**, the City Attorney has done an extensive review of the of the facts and law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,**

SECTION 1: The City Attorney is hereby authorized to settle and execute all documents in the case of Annie Crowe v. City of Atlanta, Georgia, in the amount of Three Hundred & Twenty-Five Thousand Dollars (\$325,000.00) for the settlement of the above referenced case.

SECTION 2: The Chief Financial Officer is authorized to make said payment in the form of a check, payable to Annie Crowe and her Attorney, Scott Schweber. Said payment is to be paid from Fund Account and Center number: Fund 1A01 (GENERAL FUND) Account 529017 (PROPERTY LIQUIDATION) AND Center Number T31001(NON DEPARTMENTAL).